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New Survey Shows Public Trust and Confidence in Courts Is Climbing

Survey Results Released Today Show That Public's Top Concern Is Fairness in Court Procedures

San Diego—Public trust and confidence in the California courts is substantially higher now than in previous years, a new state survey shows. Conducted by the Judicial Council of California, the results were unveiled today at a statewide court meeting here.

The first of its kind since 1992, the survey reveals that 67 percent of the public has a positive attitude about the courts, compared to less than 50 percent in 1992. The survey also shows that the key predictor of public trust and confidence is that court procedures be fair.

“We are pleased that the survey shows increased confidence levels in the California courts,” said Administrative Director of the Courts William C. Vickrey. “This news reflects the great strides that state courts have made to reach out to the public in the past decade. Equally insightful, the survey also shows that the public’s perception of procedural fairness—being treated with respect, being listened to, and having one’s case individually considered—has the greatest impact on their trust and confidence in the justice system. The study suggests that significant improvement is needed in this area, and the Judicial Council takes this issue seriously and has already started the process to find effective solutions.” Some other key findings follow:

- **Expectations:** Generally the public perceives a high level of job performance by the California courts. Protecting constitutional rights, ensuring public safety, and concluding cases in a timely manner are among the responsibilities regarded as the most important areas on which to spend resources.

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- **Diversity:** The diversity of the public served by the California courts is striking. Of the more than 2,400 public survey respondents, 47 percent were ethnic minorities, while 31 percent were born outside the United States.
- **Population:** Immigrants, especially recent ones, tend to hold highly positive views of the California courts but have low levels of contact with the courts. The positive opinions of immigrants do not appear to fade away, even after 10, 20, or more years in this country.
- **Barriers to justice:** The cost of hiring an attorney, regardless of the respondent's income level, is the most commonly stated barrier to taking a case to court. Other barriers include lack of child care, distance to be traveled, and unease about what might happen if one became involved in a court case.
- **Experience:** Some 56 percent of Californians have been involved in a case that brought them to a courthouse, mainly through responding to a jury summons or serving as a juror. Service as a juror increases confidence in the courts. However, defendants in traffic cases and both litigants and attorneys in family or juvenile cases are less approving of the California courts.

The survey is available on the California Courts Web site at www.courtinfo.ca.gov/reference/4_37pubtrust.htm.

The 2005 trust and confidence survey was designed to measure current perceptions of the California court system held by the public and practicing attorneys, to assist the Judicial Council in its long-term planning process.

The current survey was carried out by the Public Research Institute (PRI) at San Francisco State University, with the National Center for State Courts contributing to development of findings and recommendations. PRI conducted a statewide telephone survey with a random sample of 2,414 California households and a companion Internet and telephone survey with a random sample of 527 practicing attorneys.

The Judicial Council has already begun to address priority areas identified by the survey.

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The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.

PUBLIC TRUST AND CONFIDENCE IN THE CALIFORNIA COURTS

EXECUTIVE SUMMARY

Overview of Public and Attorney Opinion: Then and Now

- The public and attorneys today are moderately positive about their courts. Attorneys tend to be the most positive.
- Confidence in the California courts is substantially higher now than when the last comparable statewide survey was conducted in 1992.
- Local courts attract greater public confidence than the more abstract state court system.

Fairness in Procedures and Outcomes: The Core Concern

- Having a sense that court decisions are made through processes that are fair is the strongest predictor by far of whether members of the public approve of or have confidence in California courts.
- People who believe that the California court system protects Constitutional rights and makes sure judges follow the rules are likely to rate procedural fairness high, as do those who feel that judges are honest and fair and that courts are in touch with the community.
- Californians rate their courts highest on the “respect and dignity” element of procedural fairness.
- For attorneys, outcome fairness is more important than procedural fairness when predicting approval of the courts.
- Litigants in family and juvenile cases and defendants in traffic cases perceive less procedural fairness than do litigants in other kinds of cases.
- Attorneys practicing family law rate procedural fairness lower than do other attorneys.
- Californians consider that outcome fairness is least for people with low incomes and non-English speakers.
- African-Americans tend to perceive the highest level of overall unfairness for all groups, as well as specifically for Latino/Hispanic Americans, African-Americans and low-income people.

Diversity and the Needs of a Diverse Population

- The diversity of the public served by California’s courts is striking. 47 percent of survey respondents were ethnic minorities, and 31 percent of all respondents were born outside of the United States.
- Immigrants, especially recent immigrants, tend to hold highly positive views of the California courts but have low levels of contact with the courts.
- The positive opinions of immigrants do not appear to fade away, remaining about as strong after ten, twenty or more years in the United States.
- Language difficulties appear to be more formidable in the court context than in other settings: immigrants resident in the United States for more than 10 years typically chose to be interviewed in English but many expressed concern that language would be a barrier to their taking a case to court.

Barriers to Taking a Case to Court

- The cost of hiring an attorney, regardless of the respondent’s income level, is the most commonly stated barrier to taking a case to court.
- Barriers include lack of childcare, distance to be traveled, and unease about what might happen if one became involved in a court case.

- New immigrants appear to be poorly informed about alternatives to court as a way of resolving disputes.

Expectations and Performance

- Generally the public perceives a high level of job performance by the California courts.
- Protecting Constitutional rights, ensuring public safety, and concluding cases in a timely manner are among the responsibilities regarded as most important on which to spend resources.
- Reporting regularly to the public on court job performance is viewed as important by a majority of the survey respondents. That responsibility also emerged as the greatest unmet expectation of the courts.
- The greatest concerns were expressed about politics influencing court decisions, proceedings that cannot be understood, and uneasiness about becoming involved with the courts.

Receiving and Seeking Court Information

- Self-rated familiarity with the California courts is low for the public, unchanged since 1992.
- Knowledge of the courts increases with exposure to court information in newspapers, the Internet, televised trials, and, most importantly, the court itself.
- Exposure to fictional representations of how the courts work is associated with lower self-ratings of familiarity with the courts.
- Members of the public and attorneys accessing information from the courts via the Internet are very satisfied with the service.

Experience in a Court Case: Incidence and Consequences

- The majority of Californians (56 percent) have been involved in a case that brought them to a courthouse, mainly through responding to a jury summons or serving as a juror. The incidence of court experience varies among racial and ethnic groups and increases markedly with level of education.
- Only service as a jury member increases average confidence in the courts. Otherwise, court experience tends to be associated with a slightly lower level of approval of the California courts.
- Defendants in traffic cases and litigants and attorneys in family or juvenile cases are less approving of the California courts.

Next Steps: Survey Findings as a Guide to Policy

- Policies that promote a sense of procedural fairness offer the vehicle with the greatest potential for changing how the public views the state courts.
- The fairness of procedures used for traffic and other high volume, low stakes court cases should be studied to understand what, specifically, contributes to the low sense of fairness they promote.
- Family and juvenile court experiences are associated with low perceptions of procedural fairness by both attorneys and the public, suggesting that these particular courts might be assessed according to procedural fairness criteria.
- The need for reporting regularly to the public on the job performance of the courts is clearly indicated by the survey results. Further research is needed to clarify what kinds of information in what formats will meet this expressed public expectation.
- When courts are perceived to be in touch with their communities, they are also perceived as procedurally fair.